

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAWNA Z. NEALMAN, as the	:	CIVIL ACTION NO. 1:15-CV-1579
Personal Representative of the Estate	:	
of Benjamin Shelley Nealman,	:	(Chief Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
RYAN P. LAUGHLIN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 31st day of August, 2016, upon consideration of the motions to dismiss plaintiff's amended complaint (Doc. 32) pursuant to Federal Rule of Civil Procedure 12(b)(6) by the Mifflin County defendants (Doc. 34), the Commonwealth defendants (Doc. 35), and defendant Juniata County (Doc. 36), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. The Mifflin County defendants' motion (Doc. 34) is GRANTED in part and DENIED in part as follows:
 - a. Count I is DISMISSED without prejudice as to defendants Joseph T. Patkalitsky, Jr., James M. Lewis, Robert E. Knable, Zachary R. Houser, Carla Walters, Marlin G. Conner, and Dustin Benny.
 - b. Count II is DISMISSED without prejudice as to defendants Dustin Benny, James T. Crisswell, and Bernard J. Zook.
 - c. Count III is DISMISSED without prejudice as to defendants Mifflin County and the Mifflin County Prison Board.
 - d. Count IV is DISMISSED without prejudice as to defendant Tiffanie N. Wert, Carla Walters, and Marlin G. Conner.

- e. Count V is dismissed without prejudice as to defendants Joseph T. Patkalitsky, Jr., James M. Lewis, Robert E. Knable, Zachary R. Houser, Carla Walters, Marlin G. Conner, Dustin Benny, James T. Crisswell, and Bernard J. Zook, as well as Mifflin County and the Mifflin County Prison Board.
 - f. The motion (Doc. 34) is DENIED in all other respects.
- 2. The Commonwealth defendants' motion (Doc. 35) is GRANTED in its entirety. Counts I, II, and V of plaintiff's amended complaint (Doc. 32) are DISMISSED with prejudice as to defendants Ryan P. Laughlin and Frank Noonan.
 - 3. Juniata County's motion (Doc. 36) to dismiss is GRANTED in its entirety. Counts III and V are DISMISSED without prejudice as to defendant Juniata County.
 - 4. Plaintiff is granted leave to amend her pleading within twenty (20) days of the date of this order, consistent with the above paragraphs and the accompanying memorandum. In the absence of a timely-filed second amended complaint, the above-captioned action shall proceed on the remaining claims.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania